

REGULAR CITY COUNCIL MEETING  
APRIL 12, 1993

PRESENT

Don Dafoe	Mayor
Gayle Bunker	Council Member
Alan Burraston	Council Member
Robert Dekker	Council Member
Robert Droubay	Council Member
Rex Harris	Council Member

ABSENT

None

OTHERS PRESENT

Dorothy Jeffery	City Recorder
Richard Waddingham	City Attorney
Neil Forster	Public Works Director
Mr. & Mrs. Kevin Miller	City Residents
Jane Beckwith	City Resident
Janet Frederick	Library Board
Gerry Ogden	Library
Boy Scouts of America	Troop 145 - Deseret
Deborah Greathouse	Librarian
Kurt & Linda Sorensen	City Residents
Ruth Hansen	City Resident
Judy Baker	Treasurer
Gregory Schafer	City Employee

Mayor Dafoe called the meeting to order at 7:00 p.m. Dorothy Jeffery, City Recorder, acted as secretary. Mayor Dafoe stated that notice of the meeting time, place and agenda was posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle/Progress, KNAK Radio Station, and to each member of the City Council by personal delivery two days prior to the meeting.

Council Member Gayle Bunker offered an invocation, after which Mayor Dafoe led the Council in the Pledge of Allegiance.

MINUTES

The proposed minutes of a Regular City Council Meeting held March 8, 1993, were presented for consideration and approval. The Council reviewed the minutes briefly, after which Council Member Gayle Bunker MOVED that the minutes be approved as presented. The

motion was SECONDED by Council Member Alan Burraston. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

The proposed minutes of a Special City Council Meeting held March 26, 1993, were presented for consideration and approval. The Council reviewed the minutes briefly, after which Council Member Gayle Bunker MOVED that the minutes be approved as presented. The motion was SECONDED by Council Member Rex Harris. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

#### ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a list of which had been given to them two days prior to the meeting. Following a brief discussion of the accounts payable, Council Member Rex Harris MOVED that the accounts payable be approved for payment as listed in the amount of \$225,477.09. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

#### UNFINISHED BUSINESS

##### MAYOR DON DAFOE: STATUS OF FORECLOSURE OF TRUST DEED REGARDING PENDRAY ESTATES

Mayor Dafoe asked Attorney Richard Waddingham to discuss the status of a foreclosure of a Trust Deed regarding property in Pendray Estates.

Attorney Waddingham said that Wesley Peterson has completed a survey of the property described in the Trust Deed, which consists of seven lots. Mr. Waddingham also received a Title Report from Millard County that shows that Robert Pendray owes \$2,200 in delinquent taxes on the property.

Mr. Waddingham said that he spoke to Mr. Pendray and told him that unless he paid the taxes or unless Millard County is willing to waive the taxes owed, Delta City could not accept the deeds from him in lieu of the foreclosure or Delta City would be liable for the back taxes owed on the property.

Attorney Waddingham asked Mr. Pendray to resolve the tax issue with Millard County this week or Delta City would file Notice of Default and start foreclosure. Mr. Waddingham said that there is a four month process to finalize foreclosure action, and he will file Notice of Default Thursday or Friday of this week.

ATTORNEY RICHARD WADDINGHAM: RESOLUTION SETTING CONDITIONS FOR  
LIBRARY TRUST FUND USE

Mayor Dafoe asked Attorney Waddingham to present a resolution setting conditions for Library Trust Fund Use.

Attorney Waddingham explained that the objective of a Library Trust Fund is to set up a fund where people who want to can donate to the Delta City Library and also receive a tax benefit. He then explained that a non-charitable corporation with a Board of Trustees must be established and application for tax-exemption status must be made to the Internal Revenue Service.

Attorney Waddingham recommended that a non-charitable corporation be established and discussed that procedure briefly.

This item will be placed on the next Regular City Council agenda for further discussion.

PUBLIC WORKS DIRECTOR NEIL FORSTER: BID AWARD FOR A TRIPLE K  
CULTIVATOR

Mayor Dafoe asked Public Works Director Neil Forster to present a bid award for a Triple K Cultivator.

Public Works Director Neil Forster explained that a Triple K Cultivator was delivered to Farmer's Supply and was upgraded to meet Delta City's needs. The price was increased \$75.00 from the original bid price but still remained the low bid in the amount of \$1,251.44

Council Member Gayle Bunker MOVED to approve the purchase of a Triple K Cultivator from Farmer's Supply in the amount of \$1,251.44. The motion was SECONDED by Council Member Robert Dekker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

NEW BUSINESS

JANE BECKWITH, CITY RESIDENT: JAPANESE/AMERICAN PILGRIMAGE

Mayor Dafoe welcomed Jane Beckwith and asked her to address the City Council.

Jane Beckwith said that on May 29, 1993, approximately 200 people will be visiting Delta City and the Topaz Japanese Encampment Site. She invited the Mayor and City Council to attend a dinner at the Millard County Fairgrounds that evening and asked Mayor Dafoe to give a welcoming speech.

Ms. Beckwith requested a donation of \$150.00 to help pay for flowers on the banquet tables. Mayor Dafoe said that \$150.00 could be donated out of the Mayor and City Council Budget.

Discussion was also held regarding a banner that would say "Welcome To Delta". Council Member Robert Droubay was asked to check on the cost of a banner.

KEVIN MILLER, CITY RESIDENT: STREET LIGHTING IN WHITE SAGE SUBDIVISION

Mayor Dafoe welcomed Kevin Miller, City Resident, and asked him to discuss street lighting in the White Sage Subdivision.

Kevin Miller said that he is building a new home on the corner of White Sage Avenue and Birch Drive and there are no street lights in that area. He said that more homes are under construction in that area and he feels that there is a need for more street lighting there. He presented a map of where existing street lights are and where he feels street lights should be placed.

Following discussion, Public Works Director Neil Forster was asked to conduct an inventory of existing street lights within Delta City and make recommendations as to where additional lights are needed.

COUNCIL MEMBER GAYLE BUNKER: PLANNING COMMISSION RECOMMENDATION TO SCHEDULE PUBLIC HEARING TO RECEIVE PUBLIC COMMENT REGARDING PROPOSED AMENDMENT TO THE APPENDIX TO THE RURAL RESIDENTIAL ZONE

Mayor Dafoe asked Council Member Gayle Bunker to make a recommendation for a Public Hearing to be held to receive public comment regarding a proposed amendment to the appendix to the Rural Residential Zone.

Council Member Gayle Bunker presented the following recommendation from the Planning Commission:

"By unanimous vote of the Planning Commission Members in a Regular Planning Commission Meeting held March 18, 1993, the Planning Commission recommends that a Public Hearing be scheduled to receive public comment regarding the following proposed ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF DELTA, UTAH AMENDING THE APPENDIX TO THE RURAL RESIDENTIAL ZONE TO INCORPORATE CERTAIN QUALIFYING REGULATIONS AND SPECIAL CONDITIONS FOR KEEPING ANIMALS AND FOWL FOR PERSONAL USE OR FAMILY FOOD PRODUCTION (NOT FOR COMMERCIAL USE) AS A CONDITIONAL USE.

The Planning Commission has reviewed the attached ordinance in detail, and it is the Planning Commission's recommendation that this proposed ordinance be approved."

Following discussion, Council Member Robert Droubay MOVED to schedule a Public Hearing for the purpose of receiving public comment regarding the above proposed ordinance for May 10, 1993, at 6:30 p.m. The motion was SECONDED by Council Member Alan Burraston. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR DON DAFOE: STATE POOL MONIES - ROAD REVENUE BOND ACCOUNT

Mayor Dafoe explained that in reviewing accounts at the State Treasurer's Pool an account in the amount of \$7,439.89 had been established as a Road Revenue Account. However, this account has not had any transactions for quite some time. It was Mayor Dafoe's recommendation to close out the account and transfer the money to the General Fund to be used in the Street Department.

Following brief discussion, Council Member Rex Harris MOVED to authorize the transfer of \$7,439.89 from the Road Revenue Account to the General Fund Account to be used in the Street Department. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ATTORNEY RICHARD WADDINGHAM: AMENDMENT TO THE AIRPORT GROUND STATION SITE LEASE AGREEMENT BETWEEN DELTA CITY AND GTE AIRFONE, INC.

Mayor Dafoe asked Attorney Richard Waddingham to present an amendment to the Airport Ground Station Site Lease Agreement between Delta City and GTE Airfone, Inc.

Attorney Waddingham presented and discussed in detail an Amendment To Airport Ground Station Site Lease Agreement between the City of Delta and GTE Airfone, Inc. Lengthy discussion was held regarding the amount of rent to be charged.

Council Member Robert Dekker MOVED to authorize Mayor Dafoe to sign an Amendment To The Airport Ground Station Site Lease Agreement. The motion was SECONDED by Council Member Rex Harris. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ATTORNEY RICHARD WADDINGHAM: RESOLUTION ADOPTING AMENDMENT TO AIRPORT GROUND STATION SITE LEASE AGREEMENT

Mayor Dafoe asked Attorney Richard Waddingham to present a proposed resolution approving an Amendment To Airport Ground Station Site Lease Agreement.

Attorney Richard Waddingham presented a proposed resolution entitled:

RESOLUTION NO. 93-216

A RESOLUTION OF THE DELTA CITY COUNCIL OF THE CITY OF DELTA, UTAH APPROVING AN AMENDMENT TO AIRPORT GROUND STATION SITE LEASE AGREEMENT BETWEEN DELTA CITY AND GTE AIRFONE, INC.

Following brief discussion, Council Member Robert Droubay MOVED to adopt Resolution No. 93-216 as presented. The motion was SECONDED by Council Member Alan Burraston. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

Council Member Gayle Bunker	Yes
Council Member Alan Burraston	Yes
Council Member Robert Dekker	Yes
Council Member Robert Droubay	Yes
Council Member Rex Harris	Yes

Mayor Dafoe then signed the resolution and it was attested by City Recorder Dorothy Jeffery.

PUBLIC WORKS DIRECTOR NEIL FORSTER: ESTABLISH 1993 DITCH TAX AND IRRIGATION WATER RENTAL FEES

Mayor Dafoe asked Public Works Director Neil Forster to discuss the Ditch Tax and Irrigation Water Rental Fees for 1993.

Public Works Director Neil Forster reviewed the Ditch Tax and Water Rental Fees for 1992 and asked the City Council if they wanted to change them for 1993.

Following brief discussion, Council Member Robert Dekker MOVED to establish the following fees for 1993: Ditch Tax - \$30 and Irrigation Water Rental Fees - \$25 per acre foot. The motion was SECONDED by Council Member Rex Harris. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR DON DAFOE: CDBG FUNDS FOR MAIN STREET BEAUTIFICATION PROJECT

Mayor Dafoe said that Delta City has been notified that there is approximately \$270,000 available through the Community Development Block Grant (CDBG) program for construction projects only. Mayor Dafoe explained that, in conjunction with Delta City's Downtown Beautification Project, Delta City could possibly qualify for a portion of those funds.

Mayor Dafoe said that a Public Hearing needs to be scheduled to receive public comment for the use of those funds and then application needs to be made to the CDBG.

Following discussion, Council Member Robert Droubay MOVED to schedule a Public Hearing for April 26, 1993, at 6:30 p.m. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR DON DAFOE: GRAND MARSHAL - FOURTH OF JULY CELEBRATION

Mayor Dafoe recommended that Ward and Dorothy Killpack be appointed as this year's Fourth of July Grand Marshals.

Council Member Gayle Bunker MOVED to appoint Ward and Dorothy Killpack as Grand Marshals for July 4th, 1993. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

OTHER BUSINESS

Mayor Dafoe invited Georgia Hare to address the City Council.

Georgia Hare, Central Utah Mental Health, addressed the City Council and asked for their financial support for two scholarships for individuals to attend the University of Utah School On Alcoholism and Other Drug Dependencies. The school is to be held June 20-25, 1993.

Following discussion Council Member Robert Dekker MOVED to approve two scholarships and two meal tickets in the amount of \$860.00 for the School On Alcoholism and Other Drug Dependencies. The motion was SECONDED by Council Member Rex Harris. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

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Mayor Dafoe said that the Audit Report For Year Ended June 30, 1992, should be released this week in its final form.

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Mayor Dafoe reported that the Ash Grove Community Council has formed a sub-committee to investigate ways to collect used tires and oil locally for use at the cement plant.

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Employee Health Care Insurance was briefly discussed.

Mayor Dafoe said that Millard County Farm Bureau has requested that Delta City contribute \$100 toward printing expenses for Water Safety Booklets distributed in the schools.

Council Member Robert Dekker MOVED to approve a \$100 contribution to the Millard County Farm Bureau for Water Safety Booklets. The motion was SECONDED by Council Member Rex Harris. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Mayor Dafoe said that this expense could be taken from the Mayor and City Council budget.

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Council Member Robert Dekker said that Rod Staples contacted him to see if Delta City could request regular street sweeper action from the State Road Department. Mayor Dafoe said that he would write a letter to UDOT requesting that they sweep Delta's Main Street earlier in the year and more often.

Discussion was also held regarding the use of the Fire Department spraying Main Street and the use of inmates to clean the streets and gutters.

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Mayor Dafoe said that there is approximately \$6,700 in the State Treasurer's Pool for UDOT's Sidewalk Safety Program. Sidewalk improvements have apparently been paid out of General Fund leaving a balance in that account. As part of the Sidewalk Safety Program, sidewalk, curb and gutter is currently being installed on the corner from Harts to Main Street. Approximately \$4,000 will be left for additional sidewalk improvements, and Mayor Dafoe recommended that sidewalk, curb and gutter be installed on the north side of Mitch Myers property to the canal as a safe walkway to the White Sage Regional Park.

This item will be discussed further at the next Regular City Council Meeting.

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Council Member Robert Droubay said that he is on a committee for a new School District Multi-Purpose Center. He said that the center will cost approximately 4.5 million dollars and asked the City Council if they would be supportive of the School District applying to the Community Impact Board for funding.

Mayor Dafoe expressed concern in regards to the limitations that would place on Delta City for their Downtown Beautification Project.


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Steve Gayle has approached several City Council members to discuss the placement of sidewalk, curb and gutter in along his property.



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Mayor Dafoe said that has been delivered in order to repair the sewer lagoon. This expense will be paid for out of the Sewer Capital Reserve Fund.

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Mayor Dafoe asked if there were any comments, questions or items to be discussed. There being none, Council Member Robert Dekker MOVED to adjourn. The motion was SECONDED by Council Member Rex Harris. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously. Mayor Dafoe declared the meeting adjourned at 9:20 p.m.

  
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DON DAFOE, Mayor

  
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DOROTHY JEFFERY  
Delta City Recorder

MINUTES APPROVED: RCCM 5-10-93